

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation

Master File No. 1:00-1898 (VSB)

MDL 1358

This document relates to:

Commonwealth of Pennsylvania v. Exxon Mobil Corporation, et al., Case No. 14-cv-06228

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE
UNDER FED. R. CIV. P. 41(a)(1) AS TO
DUKE ENERGY MERCHANTS, LLC, ONLY

TO THE HONORABLE COURT:

PLEASE TAKE NOTICE that Plaintiff Commonwealth of Pennsylvania (“Plaintiff”), by and through its undersigned counsel, respectfully submits this Notice of Voluntary Dismissal With Prejudice pursuant to Fed. R. Civ. P. 41(a)(1) as to Defendant Duke Energy Merchants, LLC (“Duke”) only.

WHEREAS Plaintiff initially filed its Complaint on or about June 19, 2014, in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania. This case was originally captioned as Case ID 140602881 (this matter is hereinafter referred to as “the Litigation”);

WHEREAS the litigation is currently pending as part of a multidistrict litigation in the United States District Court for the Southern District of New York, MDL 1358 (VSB), Master File No. 1:00-1898, No. 1:14-cv-06228-VSB;

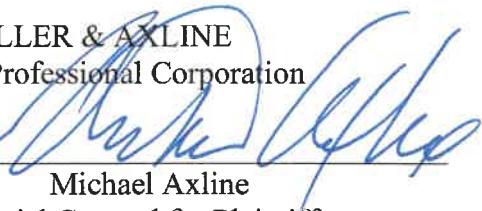
WHEREAS Plaintiff and Duke have agreed to a dismissal *with prejudice* of Duke, and Duke only, from the Litigation.

IT IS HEREBY NOTICED THAT Plaintiff dismisses Duke, and Duke only, *with prejudice* from the Litigation pursuant to Fed. R. Civ. P. 41(a)(1).

RESPECTFULLY SUBMITTED.

DATED: January 25, 2018

MILLER & AXLINE
A Professional Corporation

By 
Michael Axline
Special Counsel for Plaintiff
Commonwealth of Pennsylvania

IT IS SO ORDERED:


Vernon S. Broderick 4/5/2018
United States District Judge

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1 **PROOF OF SERVICE VIA FILE & SERVEXPRESS**

2 *Commonwealth of Pennsylvania v. Exxon Mobil Corporation, et al.,*
United States District Court, Southern District of New York Case No. 14-cv-06228 (SAS)

3 I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein
4 referred to, over the age of 18 years and not a party to this action. My business address is 1050
Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

5 On the date below, I served the following document on all counsel in this action
6 electronically through LexisNexis File & Serve:

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8 **NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE UNDER**
FED.R.CIV.P.41(a)(1) AS TO DUKE ENERGY MERCHANTS, LLC, ONLY

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12 I declare under penalty of perjury under the laws of the United States of America and the
13 State of California that the foregoing is true and correct.

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15 Executed on January 25, 2018, at Sacramento, California.

16 
17 TONGA L. ELLSWORTH